

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 08-255 (JRT/FLN)

Plaintiff,

v.

ANTON LAMONT BURNES,

Defendant.

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT’S
MOTIONS IN LIMINE AND
GRANTING THE GOVERNMENT’S
MOTION IN LIMINE**

Erica H. MacDonald, Assistant U.S. Attorney, **UNITED STATES ATTORNEY’S OFFICE**, District of Minnesota, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, for plaintiff.

Manny K. Atwal, Assistant Federal Defender, **OFFICE OF THE FEDERAL DEFENDER**, District of Minnesota, 107 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, for defendant.

This matter is before the Court on the defendant’s Motion in Limine [Docket No. 89] and Amended Motion in Limine [Docket No. 103], and the government’s Motion in Limine [Docket No. 110]. The Court grants in part and denies in part the requested relief. A written opinion addressing the motions regarding the justification defense [Docket Nos. 89, 110] will follow. Based upon the submissions of the parties, and the entire file and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant’s Motion in Limine to allow him the defense of justification as it relates to his possession of the firearm [Docket No. 89] is **DENIED**.
2. The government’s Motion in Limine to Preclude a Justification Defense [Docket No. 110] is **GRANTED**.

3. Defendant's Amended Motion in Limine [Docket No. 103] is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. Pursuant to Federal Rule of Evidence 403, the Court **GRANTS** defendant's motion to exclude the 1998 conviction for Second Degree Assault and 2001 conviction for Second Degree Assault for the benefit of a gang.

b. Pursuant to Federal Rule of Evidence 403, the Court **GRANTS** defendant's motion to exclude any testimony that Mr. Burnes is a suspected gang member.

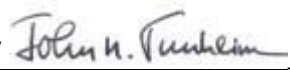
c. Pursuant to Federal Rule of Evidence 403, the Court **GRANTS** defendant's motion to exclude any testimony that Mr. Burnes is known to distribute drugs.

d. Pursuant to Federal Rule of Evidence 403, the Court **GRANTS** defendant's motion to exclude any testimony that Mr. Burnes is a suspect in ongoing murder investigations.

e. The Court **GRANTS** defendant's motion that all witnesses be sequestered.

f. The Court **DENIES** defendant's motion that the attorneys be allowed to conduct fifteen minutes of voir dire.

DATED: October 30, 2009
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
United States District Judge